

Appl. No.: 09/384,389  
Amdt. Dated: 02/24/2006  
Off. Act. Dated: 08/24/2005

### **REMARKS/ARGUMENTS**

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. **Rejections under 35 U.S.C. § 112/Drawings Objection.**

In reviewing this case, it appears that a previous version of the claims was inadvertently filed with the Request for Continued Examination, which necessitated the reintroduction of the new matter rejections and drawings objections. The claims, as amended, no longer state that the separator is bent, rolled, or crimped "...so as to overlap a substantial portion of said flexible membrane assembly...", and do not include the reference to the "rolled" portion that was addressed in the Examiner's art-based rejection of August 1, 2003. Other amendments have been made to correct typographical errors and improve language consistencies within the claims. Thus, the claims, as currently amended, are now in condition for allowance.

2. **Provisional Double Patenting.**

With respect to the provisional double patenting rejection, because it is now the sole remaining impediment to patentability of the instant application, the provisional rejection should be withdrawn, and the instant application should be allowed to issue. MPEP 804(I)(B).

3. **Correspondence.**

This Office Action was inexplicably sent to Neil Steinberg, Esq., counsel for inventors Arikara and Bawden, rather than Daniel P. Maguire, Esq., counsel of record for inventors Franklin and Mettler, as set forth in the petition decision mailed on June 26, 2003. Undersigned is new counsel for inventors Franklin and Mettler, and will be filing a power of attorney in due course.

4. **Attorney Docket Number.**

The Examiner's attention is directed to the new docket number to be used for this application, ALT6089.04A.

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5. Amendments Made Without Prejudice or Estoppel.

Notwithstanding the amendments made and accompanying traversing remarks provided above, Applicants have made these amendments in order to expedite allowance of the currently pending subject matter. However, Applicants do not acquiesce in the original ground for rejection with respect to the original form of these claims. These amendments have been made without any prejudice, waiver, or estoppel, and without forfeiture or dedication to the public, with respect to the original subject matter of the claims as originally filed or in their form immediately preceding these amendments. Applicants reserve the right to pursue the original scope of these claims in the future, such as through continuation practice, for example.

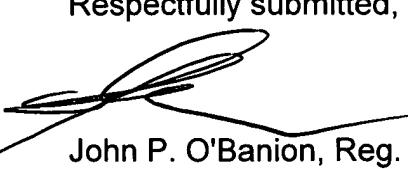
6. Conclusion.

Based on the foregoing, Applicants respectfully request that the various grounds for rejection in the Office Action be reconsidered and withdrawn with respect to the presently amended form of the claims, and that a Notice of Allowance be issued for the present Application to pass to issuance.

In the event any further matters remain at issue with respect to the present application, Applicants respectfully request that the Examiner please contact the undersigned below at the telephone number indicated in order to discuss such matter prior to the next action on the merits of this application.

Respectfully submitted,

Date: 3/29/06

  
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